

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

<b>In Re:</b>	:	<b>Bankruptcy No. 18-70827-JAD</b>
<b>Emery B. Gurbal and</b>	:	
<b>Brittany R. Gurbal,</b>	:	<b>Chapter 13</b>
<b>Debtors</b>	:	
	:	<b>Document No.</b>
<b>Emery B. Gurbal and</b>	:	
<b>Brittany R. Gurbal,</b>	:	
<b>Movants</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>No Respondents</b>	:	
<b>Respondent</b>	:	
	:	
<b>Ronda J. Winnecour, Esquire</b>	:	
<b>Chapter 13 Trustee,</b>	:	
<b>Additional Respondent</b>	:	

SETTLEMENT AND CERTIFICATION OF COUNSEL REGARDING  
STIPULATED ORDER MODIFYING PLAN

The undersigned hereby certifies that agreement has been reached with the respondent(s) regarding the Amended Chapter 13 Plan filed on August 28, 2020.

The signature requirements of W.PA.LBR 5005-6 have been followed in obtaining the agreement of all parties and is reflected in the attached document.

The undersigned further certifies that:

- ☒ An agreed order and a redline version showing the changes made to the order originally filed with the court as an attachment to the motion is attached to this Certificate of Counsel. Deletions are signified by a line in the middle of the original text (strikeout) and additions are signed by text in italics. It is respectfully requested that the attached order be entered by the Court.
- ☒ No other order has been filed pertaining to the subject matter of this agreement.
- ☒ The attached document does not require a proposed order.

Dated: September 28, 2022

By: /s/ Kenneth P. Seitz, Esquire  
Signature  
Kenneth P. Seitz, Esquire  
Typed Name  
P.O. Box 211, Ligonier, PA 15658  
Address  
(814) 536-7470  
Phone No.  
81666 PA  
Bar I.D. and State of Admission

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: )  
Emery B. Gurbal and ) Case No. 18-70827-JAD  
Brittany R. Gurbal, )  
Debtors ) Chapter 13  
)  
)  
)

**STIPULATED ORDER MODIFYING PLAN**

WHEREAS, this matter is being presented to the Court regarding

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]:***

- ☐ a motion to dismiss case or certificate of default requesting dismissal
- ☐ a plan modification sought by: \_\_\_\_\_
- ☐ a motion to lift stay  
as to creditor \_\_\_\_\_
- ☒ Other: Plan payment delinquencies

WHEREAS, the parties having agreed to settle the matter above conditioned on the terms herein, based on the records of the Court, and the Court being otherwise sufficiently advised in the premises; and there being no adverse impact upon other parties by way of this action, thus no notice is required to be given; now therefore

**IT IS HEREBY ORDERED** that the

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]***

- ☐ Chapter 13 Plan dated
- ☒ Amended Chapter 13 Plan dated August 28, 2020

is modified as follows:

***[ONLY PROVISIONS CHECKED BELOW SHALL APPLY]***

- ☒ Debtors' Plan payments shall remain at \$ 1,217.00.00, effective November 2020; and/or the Plan term shall be changed from 48 months to 59 months. The Husband-Debtor was off work for a period of time which caused them to fall behind in payments. The Husband-Debtor is back to work full time and regular payments will be made each month moving forward.

☐ In the event that Debtor(s) fail(s) to make any future Chapter 13 Plan payments, the Trustee or a party in interest may file with the Court and serve upon Debtor(s) and Debtor(s)' Counsel a notice of default advising the Debtor(s) that they have 30 days from the service of the notice in which to cure any and all defaults in payments. If Debtor(s) fail(s) to cure the defaults in payments after having been provided notice under the provision of this Stipulated Order, then the Trustee or a party in interest may submit an Order of Dismissal to the Bankruptcy Court along with an affidavit attesting to a failure to make Plan payments, and the proceedings or case may thereafter be dismissed without prejudice and without further hearing or notice.

☐ Debtor(s) shall file and serve \_\_\_\_\_ on or before \_\_\_\_\_.

☐ If any of the foregoing is not completed by the date specified, the case may be dismissed without prejudice without further notice or hearing upon the filing by the Trustee of an Affidavit of Non-Compliance.

If any of the foregoing is not completed by the date specified, the automatic stay as to the property described as \_\_\_\_\_ may be lifted without further notice or hearing upon the filing by the Creditor herein of an Affidavit of Non-Compliance.

☐ Other:

**IT IS FURTHER ORDERED** that to the extent any creditor opposes the relief contained herein, such creditor must file an objection to the same within fourteen (14) days hereof. Should such an objection be timely filed, the Court shall conduct a *de novo* hearing regarding the appropriateness of this Stipulated Order. Should no objection be timely filed, this Stipulated Order shall be deemed final without further notice and/or opportunity for a hearing.

**IT IS FURTHER ORDERED** that in all other respects, the Plan and Order Confirming Plan shall remain in full force and effect. The filing party represents to the Court that all affected parties have been notified.

*[Remainder of Page Intentionally Left Blank]*

**SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2022

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffery A. Deller  
United States Bankruptcy Judge

Stipulated by:

/s/ Kenneth P. Seitz, Esquire  
Counsel to Debtor

Stipulated by:

/s/ James C. Warmbrodt, Esquire  
Counsel to Chapter 13 Trustee

Stipulated by:

\_\_\_\_\_  
Counsel to affected creditor

cc: All Parties in Interest to be served by Clerk